

SENATE BILL NO. 398

INTRODUCED BY CROMLEY

BY REQUEST OF THE SENATE JUDICIARY STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT FINGERPRINT AND OTHER CRIMINAL HISTORY RECORD INFORMATION RELATING TO APPLICANTS FOR ADMISSION TO THE STATE BAR MAY BE EXCHANGED WITH THE MONTANA SUPREME COURT AND ITS COMMISSION ON CHARACTER AND FITNESS FOR LICENSING PURPOSES; AMENDING SECTION 44-5-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 44-5-302, MCA, is amended to read:

"44-5-302. Dissemination of criminal history record information that is not public criminal justice information. (1) Criminal history record information may not be disseminated to agencies other than criminal justice agencies unless:

(a) the information is disseminated with the consent or at the request of the individual about whom it relates according to procedures specified in 44-5-214 and 44-5-215;

(b) a district court considers dissemination necessary;

(c) the information is disseminated in compliance with 44-5-304; or

(d) the agency receiving the information is authorized by law to receive it.

(2) The department of justice and other criminal justice agencies may accept fingerprints of applicants for admission to the state bar of Montana and shall, with respect to a bar admission applicant whose fingerprints are given to the department or agency by the state bar, exchange available state, multistate, local, federal (to the extent allowed by federal law), and other criminal history record information with the ~~state bar~~ Montana supreme court and its commission on character and fitness for licensing purposes."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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